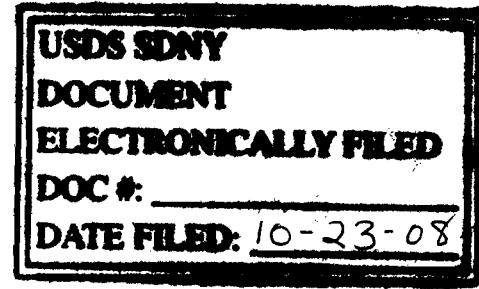


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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The New York District Council of Carpenters
Pension Fund, et. al.,



Plaintiff,

v.

Pitcohn Construction Enterprises, Inc., et al.,

Defendant.

-----x

SAND, J.:

Having received Plaintiffs' amended complaint, the Court requests that Plaintiffs submit a letter by October 30, 2008 outlining what issue they will raise, evidence they will seek to introduce, and remedies they will pursue under their common law breach of contract or fraud claims that are not preempted by their ERISA claim. *See Toussaint v. JJ Weiser & Co.*, No. 04-CV-2592, 2005 WL 356834 (S.D.N.Y. Feb. 13, 2005).

SO ORDERED.

October 22, 2008
New York, NY



U.S.D.J.